DAWN

OPINION

Knives out

THE 18th Amendment has been a thorn in the side of certain quarters within the state, especially those that desire greater control over its meagre resources. Now, with clear signals that a 27th amendment is being pushed forward, it seems the 18th Amendment may finally end up on the chopping block. PPP chairman Bilawal Bhutto-Zardari, revealing that the prime minister has sought his party's support for the amendment, has stated that the subjects of education and population planning have been sought to be returned to the federation. This would mean a significant rollback of the powers delegated to the provinces under the 18th Amendment. Not only that, the safeguards for provincial shares in state revenues under the National Finance Commission Award are also to be done away with. The judiciary is also in the crosshairs, with plans to set up constitutional courts, restore executive magistrates and more tightly control the transfer of judges.

It is remarkable that the PPP has been approached for its consent. After all, the 18th Amendment was a major achievement for the party and its co-chairman, incumbent President Asif Ali Zardari. The president and his party are being expected to give up the crowning glory of their political contributions in recent memory. Seen in that context, Mr Bhutto-Zardari's surprise post on X may have simply been a call for attention. After all, the pressure to get the amendment done must be immense, considering the stakeholders involved. However, it is important that the PPP hold the line. The 18th Amendment may have created new sets of problems, and its lofty ambitions might have failed to materialise, but the legislation was also a shining example of what broad political consensus can achieve. It may be recalled that both the treasury and opposition benches of that time had played central roles in its enactment.

To see that achievement undone would be no less than a political tragedy. It must also be said that one cannot help but view the 27th amendment with a wary eye, especially after how matters developed following the 26th. In that case, too, it was argued by the ruling parties that the amendment would do much good to the country. The outcomes have been anything but. The fundamental problem remains that the current legislature is wanting in legitimacy and credibility. It is no wonder that its repeated attempts to rewrite the Constitution invite deep misgivings and trigger even more discontent, especially among the masses who feel that they have been systematically sidelined by the current regime. The Constitution states that the public will reigns supreme. If there is any deference left for the document, the ruling parties must desist from proceeding on further amendments to the Constitution till public and political consensus can be reached.

Untaxed glamour

THE FBR is finally moving against tax dodgers who openly boast of their extravagant lifestyles but pay next to nothing in taxes. It has reportedly prepared lists of taxpayers whose social media presence paints a very different picture from their declared incomes. Their feeds flaunt luxury cars worth billions, designer apparel, frequent foreign travel and high-end accessories. But their tax returns tell a story of meagre, or at best, modest earnings. The cases being examined include a fintech entrepreneur who reportedly owns 30 luxury cars — among them Lamborghinis and a Rolls Royce — valued at Rs2.74bn, yet declares negligible income. Then there is a travel influencer who has visited 25 countries in five years but reported an annual income that could barely fund one such trip. Another content creator, known for displaying luxury jewellery, designer outfits, cars, and high-end watches and gadgets, has declared only Rs3.5m to Rs5.5m in income over the past few years. These examples highlight not just the brazenness of some tax evaders but also the weakness of the country's enforcement system.

It is therefore encouraging that the FBR is now acting against those living far beyond their declared means. But this effort must not stop here. Limiting scrutiny to people whose lifestyles are publicly visible would make the exercise appear selective and symbolic. The tax authorities need to look beyond that. The board faces an uphill task in meeting its ambitious annual revenue target of Rs14.13tr this fiscal year and is already short by Rs274bn in the first four months to October despite an 18pc increase in the number of tax filers to 5.9m. The widening gap in collections suggests that the focus must shift from simply increasing the number of filers to expanding the base itself. That means bringing into the net sectors that have long escaped effective taxation: retail, real estate, professional services such as doctors and lawyers, and large landholders. These groups account for vast and largely untaxed portions of the economy. Without their inclusion, the tax system will remain weak, unfair and unsustainable. The FBR's latest initiative is, therefore, a welcome step. But its credibility will rest on whether it can apply the same rules across the board. No one — whether an online celebrity, a powerful businessman or a feudal landlord — should be allowed to stay outside the reach of the law.

Sudan atrocities

THOUGH a vicious civil war has been raging in Sudan since April 2023, the conflict has failed to capture international attention. Yet the reported atrocities committed by the Rapid Support Forces — the main paramilitary militia fighting the Sudanese military — in the town of El-Fasher recently have brought the world's focus to this brutal conflict. The RSF, a reincarnation of the notorious Janjaweed militia, had laid siege to the town for 18 months before finally capturing it, and eyewitnesses describe scenes of absolute horror. There are reports of bodies lying in the streets, mass executions, rape and torture. Famine has been confirmed in parts of the affected area. In fact, the International Criminal Court says that the brutalities committed in El-Fasher could constitute crimes against humanity.

Though Sudan has experienced instability for decades, the ongoing civil war is particularly brutal. What has added to complications is that several foreign states are involved in the conflict, with some supporting the ruling military junta, while others are backing the rebel RSF. Caught in the middle are the hapless people of Sudan, who have been facing death, hunger and displacement for over two years. Some foreign players have reportedly offered support to both sides. It is unfortunate that Sudan is being treated as a proxy battlefield by foreign states. It is also a bitter fact that multilateral organisations — such as the UN, the African Union, OIC and Arab League — have failed to end the violence. Instead of sowing the seeds of chaos, all foreign players must impress upon their Sudanese allies the need for an immediate ceasefire. Moreover, shipment of arms to the RSF must be halted immediately, and all those accused of war crimes in Sudan should be investigated and brought to justice. Once the fighting stops, a roadmap must be drawn up that stresses national reconciliation and justice in Sudan, and prioritises the restoration of democracy at the earliest.

BY ZAHID HUSSAIN

A contentious amendment

The proposed amendment is described by some as an expansion of the 26th Amendment.

THE cat is indeed out of the bag. Speculation about the 27th amendment had been in the air for the past several months. Now a statement on social media by PPP chairman Bilawal Bhutto-Zardari has revealed the broad framework of the proposed amendment in the Constitution. The proposal envisages wide-ranging changes in the Constitution and a part of it is related to further curtailing the independence of the judiciary and ending protection for the provincial share under the National Finance Commission.

But perhaps the most curious provision in the proposal is the alteration in Article 243 that deals with the appointment of the chiefs of the armed forces and some other matters related to the service structure. No details are available about the amendments except for some broad outlines that were reportedly discussed in a meeting between the prime minister and PPP leaders.

The secrecy surrounding the whole exercise, which appears to have been going on for several months behind closed doors, has raised concerns. Lawmakers, even cabinet ministers, appear to be completely in the dark about such an important amendment that has to go through parliament. There seems to be some truth in the speculation that the draft has come from somewhere else — as in the case of the 26th Amendment, which was bulldozed through parliament last year. Such is the distressing reality of hybrid rule. Parliament and the cabinet seem to have become irrelevant even for such a critical constitutional matter related to the country's political power structure and the federation. There is also the question about the objective behind such sweeping changes in the Constitution.

It is true that a constitution is not a sacred document that cannot be altered as demanded by changing circumstances and the challenges confronting the country and federation. But any change which comes into conflict with the basic structure of the Constitution, a document which gives people their fundamental rights and maintains a balance of power among the state institutions, could lead to authoritarianism, with serious consequences for the unity of the federation.

More importantly, only democratically elected representatives have the right to amend the Constitution in order to strengthen democracy and the federation. But the surreptitious manner in which the amendments are being prepared does not fulfil those basic democratic requirements. There is a need for an extensive debate both at the public level and in parliament on the proposed amendment before it is adopted. That is what happens in a democracy.

But there is no indication that the government, with its doubtful public mandate, is willing to go through this essential democratic process. Then there is also the question of how much say the coalition government has in drafting the proposed amendment as even some members of the cabinet privately express their helplessness in such matters. But they cannot completely absolve themselves of responsibility. They are equally culpable for weakening the democratic process in the country. The way the 26th Amendment was pushed through in parliament is a testimony of their collaboration in mutilating the Constitution.

Since the full text of the proposed amendment is not available, one can only examine the points highlighted by the PPP chairman, and later confirmed by the minister of state for law, on social media. One of the most important clauses in the proposal is the establishment of a separate constitutional court.

The proposed amendment is described by some jurists as an expansion of the controversial 26th Amendment and is part of the effort, it seems, to make the top judiciary completely subservient to the executive. Interestingly, this proposal has been floated when the petition challenging the legality of the 26th Amendment is being heard by the constitutional bench — itself the product of controversial legislation — of the Supreme Court.

A separate constitutional court would take away whatever remains of the power of the apex court over constitutional matters. That will be a huge blow to the independence of the judiciary. The proposed constitutional court is quite likely to be packed by handpicked judges, as we have seen in the case of the appointment of the judges to the constitutional bench by the Judicial Commission, which is dominated by members affiliated with the ruling coalition.

But perhaps the most contentious proposal is the provision of the transfer of high court judges to other regional courts. That will reduce the position of high court judges to lower court judges or a government employee. We have already seen how judges from other courts are brought to the Islamabad High Court and one who was lower on the seniority list in his court of origin was elevated to chief justice. The proposed amendment would allow the executive to punish judges not ready to give in to pressure exerted by the executive and the powerful establishment.

Justifying the proposed amendment on the appointment and extension in the services of the military chiefs, the minister of state for law reportedly indicated that it was necessary because it is for the first time since the promulgation of the 1973 Constitution that an officer had been elevated to the position of field marshal. No details were given about any further powers for the army chief as was being speculated on social media.

Proposed changes in the allocation of financial resources to the provinces under the National Finance Commission will ignite a highly explosive issue. A statement reportedly from a PPP official in Sindh rejected any such proposal. It is also questionable if the other provinces would accept the change. A broad consensus among the federating units is needed before the amendment is presented before parliament.

With the ruling coalition now having more than a two-thirds majority in both Houses after the Supreme Court ruling denying the PTI the reserved seats and the latest disqualification of a number of opposition lawmakers, it will not be difficult for the government to bulldoze yet another amendment. But such a move would be at the cost of the country's future even as a nominally democratic nation. ■

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BY ASHRAF JEHANGIR QAZI

Our Afghan imperative

Afghanistan is the heart of Asia — Allama Iqbal

PAKISTAN was born into long-term hostility with its neighbour, India. Security was, accordingly, key to avoiding the peril of infant-nation mortality. Later, it needed to broaden its strategy to good governance including democracy, economic and human development, and rights protections. The Quaid departed before this essential transition could commence. The process has been aborted ever since despite fleeting periods of promise. The result has been the loss of the majority of Pakistan's original population within its first 25 years, and no lessons learned during the next half century to ensure the viability of what was left of the country.

Praetorian elite capture has been primarily responsible for this tragedy. Undoing it will need a 'whole of the nation' undertaking. What needs to be done in terms of policies and institution building over a whole range of national endeavours is largely known. But the likelihood of much of it happening appears non-existent today because of the perversity of the prevailing political and power structures. Moreover, this grim prospect is being progressively internalised by ruling elites and the middle class intelligentsia whose attitudes and choices determine the fate of nations. A refusal to accept these realities is itself a form of complicity. The only view that is worse is the assumption that the nation will somehow survive, despite its wretched condition, because its nuclear weapons status guarantees the rest of the world has a stake in its survival!

This is the national context in which our Afghanistan policy should be considered. The Afghan people have a historical relationship with the people of Pakistan. Had the British adopted the Forward Policy instead of Lawrence's Non-interference Policy there may have been no Afghanistan today as the British and Russian Empires would have met along the Amu Darya instead of being separated by Afghanistan — which has since developed into a resilient nation. This is due to the wisdom and moderation of its rulers — with recent exceptions which have been the result of Russian and American invasions. Nevertheless, its ethnically diverse peoples have embraced their collective Afghan identity despite their rivalries.

Pakistan got off to a poor start in its relations with Afghanistan because of reasons most supposedly educated and informed Pakistanis know little about. The British drew the Durand Line after the Second Afghan War lopping off sizeable portions of Afghan territory and incorporating them into British India while acknowledging Kabul's continued interest in its lost peoples. Afghanistan never formally recognised the legitimacy of a border forcibly demarcated by imperial aggression.

This led to its vote against the admission of Pakistan to the United Nations, which it quickly reversed after making its legally dubious but historically and politically understandable point. Afghanistan realised the Pakhtun of the NWFP and Balochistan, after a century of living with fellow Muslims under British rule, preferred to become part of Pakistan while simultaneously owning an indissoluble kinship with their Afghan brethren. Later, the so-called Pakhtunistan issue arose which Afghan governments exploited for domestic political purposes (and also to counter Pakistan's transit trade leverage) just as successive governments in Pakistan have often used the internationally recognised Kashmir dispute for domestic political purposes.

> Instead of a Big Brother policy towards Afghanistan, Pakistan should consider a policy of Strategic Generosity.

Nevertheless, two facts are incontrovertible: in practice, Kabul has treated the Durand Line as an international border, and during Pakistan's several conflicts with India it has never had to worry about its western border. Moreover, Kabul has consistently acknowledged its debt to Pakistan for its critical assistance during the Soviet occupation of Afghanistan. Even so, the Afghans pride themselves on resisting the mighty powers of the past and the present and, accordingly, resent Pakistan's perceived attempts to impose 'friendly governments' in Kabul and control its foreign policy, especially towards India. They blame Pakistan for imposing Pakistan-based mujahideen and subsequently mediaeval Taliban rule in Afghanistan which has isolated it from the contemporary world, including Muslim countries. Both endeavours proved counterproductive for Pakistan but ruinous for Afghanistan. As a result, Pakistan has no friends in Afghanistan today.

As for the TTP, the Afghans insist the overwhelming majority of its attacks originate from within Pakistan. Many in Pakistan concede there is a measure of truth in this allegation. Pakistan is, accordingly, following self-defeating Afghan and strategic policies. They are driving Afghanistan into the arms of India and setting up a dangerous 'nutcracker' (two-front) situation for itself just to distract domestic political attention from the grim state of affairs in the country. Despite Pakistan's admirable performance in the recent conflict with India this situation is straining its domestic stability. Instead of a Big Brother policy towards Afghanistan it should consider a policy of Strategic Generosity much like the enlightened policy of Brazil towards its smaller neighbours — and indeed of China towards the Global South. In that case, the Durand Line would eventually evolve into a regular border that is fully recognised and respected by Afghanistan.

Such a far-sighted policy could go a long way towards recouping the irreparable loss of East Pakistan by finessing the current strategy of India towards Pakistan, and conceivably embarking upon the historic task of laying the foundations for a possible confederation with Afghanistan that would comprise approximately 300 million people. Progress in this endeavour could facilitate far broader and deeper strategic cooperation with China, Iran and Central Asia and effectively counter India's hegemonic ambitions.

Countless challenges will lie in the path of such a historic endeavour that would answer to the vision of Allama Iqbal. But imagination, goodwill and persistence can render the seemingly impossible, possible. There is an affinity between the people of Afghanistan and Pakistan, which should easily accommodate Pakhtun cross-border kinship. There is no room here for essential details. But if we truly rather than merely ritually believe in our future we should seriously explore such possibilities that are in fact survival imperatives. ■

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